Public(General A)

(195 48) Department.

MS **SERIES.**

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G.O. No. 2539

Dated 15-10-1948

[Despatch Abstract.]

FLAGS - Flag of Indian National Congress - Use as Trade Mark - Papers Recorded.

Rc.M.1707/48.C2.

Office of the District Magistrate,
Anantapur, 4/7/48.

From

Rao Sahib
Sri M.R.Bangara, B.A.,
District Magistrate,
Anantapur.

To

The Secretary to Government,
Public (General B) Department,
Fort St. George,
M A D R A S.

Sir,

Sub: Trade Marks Indian National Flag - use - Certain information requested.
Ref: Petition of M. Parvathayya of Nittur - Kothapalli.

One M. Parvathayya of Nittur Kothapalli in Tadpatri Taluk of this district has put in a petition saying that he was all these days using the Indian Congress Flag as Trade Mark of his tobacco company. The Government of Indian Union are said to have now banned the ordinary use of the National Flag for each and every purpose and the same has been published in the News paper under dated 16-6-48 (paper cutting enclosed). The petitioner requests clear orders whether or not he can use the flag as the Trade mark of his company. The flag used by the petitioner as Trade mark is not the National Flag but it is the Congress flag. There is difference between the Indian National Flag and the flag which is used as Trade mark.

2. I solicit instructions in the matter whether or not the flag can be used by the petitioner. The paper cutting and the label showing the flag are enclosed for favour of reference.

Public (Genl.) A Dept.

LR./Ref. No.5695/48-2 dated 12-8-48.

To

The Registrar of Trade Marks,
New Marine Lines, Bombay.
(WITH ENCLOSURE)

Sir,

Flags - Use of Indian National Congress Flag as trademark.

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I am directed to enclose a copy of letter No. Rc.M.1707/48-C2, dated 4-7-48, from the Dist. Magistrate of Anantapur on the above subject and to enquire if you have issued any instructions banning the use of the flag of the Indian National Congress or the Indian Dominion Flag as trade mark.

No.5382
Government of India
TRADE MARKS REGISTRY.

New Marine Lines,
Bombay, the August, 1948.

From

The Registrar of Trade Marks,
Bombay.

To

M. Gopal Menon, Esq., I.C.S.,
Under Secretary to the Government of Madras,
MADRAS.

Sub:- Flags - Use of Indian National Congress Flag as trade mark.

Sir,

With reference to your letter No.5695/48-2 dated the 12th August, 1948, on the above subject, forwarding a copy of letter No. RC.M.1707/48-C2 dated 4th July, 1948, from the District Magistrate, Anantapur, I have to state follows.

Under the provisions of section 69 of the Trade act, 1940, an injuction may be issued against a person uses the national flag as a trade mark. The Governmen India have issued rules on the use of the national fla

As far as I am aware, there is no law against the use of the Congress party flag. The question whether such a flag can be registered as a trade mark depends upon the circumstances of each case. It is the practice of this office not to register a device consisting merely of the Congress Flag.

For any further information on the use of the nation flag as a trade mark, it is requested that you should communicate with the Secretary, Ministry of Home affairs,

PUBLIC (GENERAL-A) DEPARTMENT.

Memorandum No. 5695/48-4 dated 28-9-48.

FLAGS - Flag of Indian National Congress - Use as 'trade mark'

Ref: Letter from the D.M. of anantapur No. 1707/48-C2. dated 4-7-48.

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The D.M. of Anantapur is informed that under the provisions of Section 69 of the Trade Mark Act, 1940, an injunction may be issued by the Registrar of Trade Marks against ~~may~~ any person who uses the Indian National Flag as Trade Mark. There is however no law against the use of the Congress Party flag.

Flags - Indian National Congress Flag - Use as Trade Mark.
From the D.M. of Anantapur, No.R.C.M.1707/48 M.2 dated 4-7-48.

Please see the letter from the D.M. of Anantapur in the c.f.

It is seen from the Advertisement on p.3 of (B) that the flag used as trade mark is that of the Indian National Congress. There is some difference between this flag and the Flag of the Indian Dominion as adopted by the Constituent Assembly.

2. The Govt. of India had under consideration the quetion of issuing rules for the proper use of the Dominion Flag, and of enacting legislation to make any insult to the flag an offence punishable under the law. They have recently issued a set of rules to regulate the proper display of the flag. It is the intention of the Govt. of India to discourage the use of the Dominion flag as trade marks.

3. As regards legislation to make any insult to the Dominion flag, an offence punishable under the law, the Govt. of India have decided not to enact such a legislation but to leave it to the good sense of the citizen to respect the flag

'M' on p.1 above.

submitted for approval

(Issued as letter No.5695/48-2 dated 12-8-48).
(From the Registrar of Trade Marks No.5382 dated 30-8-48)

In June last the Govt. of India issued a set to regulate the proper use of the Indian National Flag. Their intention is that the use of the flag as trade mark should be discouraged

In his letter on p.1 c.f., the D.M. of Anantapur has raised the point whether in view of the above rules, it would be permissible to use the flag of the Congress party as a trade mark. It was considered that there is some difference between the Indian National Flag and the Congress party flag and that the rules framed by the Government of India in regard to the former will not apply to the latter. As the matter was not free from doubt the Development Department advised that it might be got clarified by a reference to the Registrar of Trade Marks. The Registrar was addressed accordi